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4 Attorney for Defendant
5 B & B Management Group, LLC,
6 dba Bellach's Leather for Living

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 SUSAN SANDELMAN, AS TRUSTEE
14 OF THE ESAN TRUST,

15 No. C08 00681 HRL

16 Plaintiff,
17 v.
18 B&B PROPERTY MANAGEMENT, LLC,
19 dba BELLACH'S LEATHER FOR LIVING,
20 Defendant.

DEFENDANT'S AMENDED NOTICE OF
MOTION AND MOTION TO STAY
ACTION PENDING ARBITRATION AND
PROOF OF SERVICE

Complaint Filed: January 29, 2008
Date: May 13, 2008
Time: 10:00 a.m.
Courtroom: Honorable Howard R. Lloyd

21 TO: THE PLAINTIFF, SUSAN SANDELMAN, AS TRUSTEE OF THE ESAN TRUST
22 AND TO HER ATTORNEYS OF RECORD: COLEMAN & HOROWITT, LLP:

23 PLEASE TAKE NOTICE that on May 13, 2008, at 10:00 a.m., or as soon thereafter as
24 the matter may heard in Courtroom 2 of the above entitled Court, located at 280 First Street, San
25 Jose, California 95113, the defendant, B & B Management Group, LLC, dba Bellach's Leather
26 for Living, erroneously sued herein as B & B Property Management, LLC, dba Bellach's Leather
27 for Living ("the moving party") will and hereby does move the Court to stay further proceedings
28 on this case pending arbitration, pursuant to U.S.C. §3, on the ground that the parties, or their
successor in interest hereto, agreed in writing that issues raised in this action would be arbitrated
and no other, nonarbitrable claims are raised in this action.

This motion will be based on this Notice of Motion and Motion, the Memorandum of
Points and Authorities filed herewith, the Declaration of Jerome Bellach, the managing member

1 of the moving party, the pleadings, records and papers filed herein, and such other and further
2 oral and documentary evidence and legal memoranda as may be presented at or by the hearing on
3 said Motion.

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5 Dated: April 7, 2008

LAW OFFICES OF MIKEL D. BRYAN, P.C.

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7 By: 

8 MIKEL D. BRYAN

9 Attorney for Defendant and Moving Party,
10 B & B Management Group, LLC, dba Bellach's
11 Leather for Living

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PROOF OF SERVICE
[FRCP 5(B)]

I am employed in the County of Sonoma, State of California. I am over the age of eighteen years and not a party to this action. My business address is 550 Doyle Park Drive, Santa Rosa, California.

On the date set forth below, I served the attached:

DEFENDANT'S AMENDED NOTICE OF MOTION AND MOTION TO STAY ACTION
PENDING ARBITRATION;

on the interested parties in this action, by placing a true copy thereof, addressed as follows:

Attorney for Plaintiff, Susan Sandelman, Trustee of the Esan Trust

Darryl J. Horowitz

Bonnie J. Anderson

COLEMAN & HOROWITT, LLP

499 West Shaw, Suite 116

Fresno, California 93704

Telephone: (559) 248-4820

Fax: (559) 248-4830

/ X / (BY MAIL) I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices. I am readily familiar with the practice of our office for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

11 (BY OVERNIGHT DELIVERY) I caused each such envelope to be picked up by the business which engages in overnight delivery service, following the instructions for express mailing and using the overnight delivery mail envelope with postage fully prepaid thereon.

/ (BY PERSONAL SERVICE) I caused each such envelope to be delivered by hand to the address(s) noted above.

/ / (BY FAXSIMILE) I caused the said document to be transmitted by Facsimile machine to the number indicated after the address(es) noted above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Santa Rosa, California on 4/7/08

Jolene Strange
Jolene Strange